

111TH CONGRESS
1ST SESSION

H. R. 3384

To remove the testing provisions in the Elementary and Secondary Education
Act of 1965.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2009

Mr. BACA introduced the following bill; which was referred to the Committee
on Education and Labor

A BILL

To remove the testing provisions in the Elementary and
Secondary Education Act of 1965.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “S.O.S. (Save Our
5 Schools) Act”.

6 **SEC. 2. AMENDMENTS TO THE ELEMENTARY AND SEC-**
7 **ONDARY EDUCATION ACT OF 1965.**

8 Except as otherwise expressly provided, whenever in
9 this Act an amendment or repeal is expressed in terms
10 of an amendment to, or a repeal of, a provision, the

1 amendment or repeal shall be considered to be made to
2 a provision of the Elementary and Secondary Education
3 Act of 1965 (20 U.S.C. 6301 et seq.).

4 **SEC. 3. ELIMINATION OF SCHOOL IMPROVEMENT PROVI-**
5 **SIONS.**

6 Section 1003 (20 U.S.C. 6303) is repealed.

7 **SEC. 4. ELIMINATION OF TESTING PROVISIONS FROM**
8 **STATE PLANS.**

9 Section 1111(b) (20 U.S.C. 6311(b)) is amended—
10 (1) in paragraph (1)—

11 (A) by striking subparagraphs (A), (B),
12 and (D)(i)(II);

13 (B) in subparagraph (D)(i)—

14 (i) by redesignating subclause (III) as
15 subclause (II); and

16 (ii) by inserting “and” at the end of
17 subclause (I);

18 (C) in subparagraph (E) by striking “sub-
19 paragraphs (A), (B), and (C)” and inserting
20 “subparagraph (A)”; and

21 (D) by redesignating subparagraphs (C),
22 (D), (E), and (F) as subparagraphs (A), (B),
23 (C), and (D), respectively;

24 (2) by striking paragraphs (2), (3), (4), and
25 (10);

1 (3) in paragraph (8)—

2 (A) in subparagraph (A) by striking “sec-
3 tions 1112(c)(1)(D), 1114(b), and 1115(c)”
4 and inserting “sections 1114(b) and 1115(c)”;
5 and

6 (B) in subparagraph (C) by striking “sec-
7 tions 1114(b)(1)(C) and 1115(c)(3)” and in-
8 serting “sections 1114(b)(1)(A) and
9 1115(c)(1)(D)”;

10 (4) in paragraph (9) by striking “that are iden-
11 tified under section 1116 and”; and

12 (5) by redesignating paragraphs (5), (6), (7),
13 (8), and (9) as paragraphs (2), (3), (4), (5), and
14 (6), respectively.

15 **SEC. 5. ELIMINATION OF TESTING PROVISIONS FROM**
16 **LOCAL EDUCATIONAL AGENCY PLANS.**

17 Section 1112 (20 U.S.C. 6312) is amended—

18 (1) by amending subsection (b) to read as fol-
19 lows:

20 “(b) PLAN PROVISIONS.—In order to help low-achiev-
21 ing children meet challenging achievement academic
22 standards, each local educational agency plan shall in-
23 clude—

24 “(1) a description of high-quality student aca-
25 demic assessments, if any, that the local educational

1 agency and schools served under this part will use
2 to identify effectively students who may be at risk
3 for reading failure or who are having difficulty read-
4 ing, through the use of screening, diagnostic, and
5 classroom-based instructional reading assessments,
6 as defined under section 1208;

7 “(2) a description of the strategy the local edu-
8 cational agency will use to coordinate programs
9 under this part with programs under title II to pro-
10 vide professional development for teachers and prin-
11 cipals, and, if appropriate, pupil services personnel,
12 administrators, parents and other staff, including
13 local educational agency level staff in accordance
14 with sections 1118 and 1119;

15 “(3) a description of how the local educational
16 agency will coordinate and integrate services pro-
17 vided under this part with other educational services
18 at the local educational agency or individual school
19 level, such as—

20 “(A) Even Start, Head Start, Reading
21 First, Early Reading First, and other preschool
22 programs, including plans for the transition of
23 participants in such programs to local elemen-
24 tary school programs; and

1 “(B) services for children with limited
2 English proficiency, children with disabilities,
3 migratory children, neglected or delinquent
4 youth, Indian children served under part A of
5 title VII, homeless children, and immigrant
6 children in order to increase program effective-
7 ness, eliminate duplication, and reduce frag-
8 mentation of the instructional program;

9 “(4) a description of the poverty criteria that
10 will be used to select school attendance areas under
11 section 1113;

12 “(5) a description of how teachers, in consulta-
13 tion with parents, administrators, and pupil services
14 personnel, in targeted assistance schools under sec-
15 tion 1115, will identify the eligible children most in
16 need of services under this part;

17 “(6) a general description of the nature of the
18 programs to be conducted by such agency’s schools
19 under sections 1114 and 1115 and, where appro-
20 priate, educational services outside such schools for
21 children living in local institutions for neglected or
22 delinquent children, and for neglected and delin-
23 quent children in community day school programs;

24 “(7) a description of how the local educational
25 agency will ensure that migratory children and for-

merly migratory children who are eligible to receive services under this part are selected to receive such services on the same basis as other children who are selected to receive services under this part;

“(8) if appropriate, a description of how the local educational agency will use funds under this part to support preschool programs for children, particularly children participating in Early Reading First, or in a Head Start or Even Start program, which services may be provided directly by the local educational agency or through a subcontract with the local Head Start agency designated by the Secretary of Health and Human Services under section 641 of the Head Start Act, or an agency operating an Even Start program, an Early Reading First;

“(9) a description of how the local educational agency will meet the requirements of section 1119;

“(10) a description of the services the local educational agency will provide homeless children, including services provided with funds reserved under section 1113(c)(3)(A);

“(11) a description of the strategy the local educational agency will use to implement effective parental involvement under section 1118; and

1 “(12) where appropriate, a description of how
 2 the local educational agency will use funds under
 3 this part to support after school (including before
 4 school and summer school) and school-year extension
 5 programs.”.

6 (2) in subsection (c)(1)—

7 (A) by striking subparagraphs (C), (D),
 8 (K), (M), (N), and (O); and

9 (B) by redesignating subparagraphs (E),
 10 (F), (G), (H), (I), (J), and (L) as subpara-
 11 graphs (C), (D), (E), (F), (G), (H), and (I), re-
 12 spectively.

13 (3) in subsection (e), by amending paragraph
 14 (2) to read as follows:

15 “(2) APPROVAL.—The State educational agency
 16 shall approve a local educational agency’s plan only
 17 if the State educational agency determines that the
 18 local educational agency’s plan meets the require-
 19 ments of this section.”.

20 (4) in subsection (g)—

21 (A) by striking paragraph (4);

22 (B) by redesignating paragraph (5) as
 23 paragraph (4); and

24 (C) by amending paragraph (1) to read as
 25 follows:

1 “(1) NOTICE.—Each local educational agency
2 using funds under this part to provide a language
3 instruction educational program as determined in
4 part C of title III shall, not later than 30 days after
5 the beginning of the school year, inform a parent or
6 parents of a limited English proficient child identi-
7 fied for participation or participating in, such a pro-
8 gram of—

9 “(A) the reasons for the identification of
10 their child as limited English proficient and in
11 need of placement in a language instruction
12 educational program;

13 “(B) the child’s level of English pro-
14 ficiency, how such level was assessed, and the
15 status of the child’s academic achievement;

16 “(C) the methods of instruction used in
17 the program in which their child is, or will be
18 participating, and the methods of instruction
19 used in other available programs, including how
20 such programs differ in content, instructional
21 goals, and the use of English and a native lan-
22 guage in instruction;

23 “(D) how the program in which their child
24 is, or will be participating, will meet the edu-
25 cational strengths and needs of their child;

1 “(E) how such program will specifically
2 help their child learn English, and meet age-ap-
3 propriate academic achievement standards for
4 grade promotion and graduation;

5 “(F) the specific exit requirements for the
6 program, including the expected rate of transi-
7 tion from such program into classrooms that
8 are not tailored for limited English proficient
9 children, and the expected rate of graduation
10 from secondary school for such program if
11 funds under this part are used for children in
12 secondary schools;

13 “(G) in the case of a child with a dis-
14 ability, how such program meets the objectives
15 of the individualized education program of the
16 child; and

17 “(H) information pertaining to parental
18 rights that includes written guidance—

19 “(i) detailing—

20 “(I) the right that parents have
21 to have their child immediately re-
22 moved from such program upon their
23 request; and

24 “(II) the options that parents
25 have to decline to enroll their child in

1 such program or to choose another
 2 program or method of instruction, if
 3 available; and
 4 “(ii) assisting parents in selecting
 5 among various programs and methods of
 6 instruction, if more than one program or
 7 method is offered by the eligible entity.”.

8 **SEC. 6. ELIMINATION OF TESTING PROVISIONS FROM**
 9 **SCHOOLWIDE PROGRAMS.**

10 Section 1114(b) (20 U.S.C. 6314(b)) is amended—

11 (1) in paragraph (1)—

12 (A) by striking subparagraphs (A), (B),
 13 (H), and (I); and

14 (B) by redesignating subparagraphs (C),
 15 (D), (E), (F), (G), and (J) as subparagraphs
 16 (A), (B), (C), (D), (E), and (F), respectively;

17 (2) in paragraph (2)(A)—

18 (A) by striking “or other technical assist-
 19 ance provider under section 1117”;

20 (B) by striking clause (iv);

21 (C) by inserting “and” at the end of clause
 22 (ii); and

23 (D) in clause (iii) by striking “; and” and
 24 inserting a period; and

1 (3) in paragraph (2)(B)(i)(I) by striking “,
2 after considering the recommendation of the tech-
3 nical assistance providers under section 1117,”.

4 **SEC. 7. ELIMINATION OF TESTING PROVISIONS FROM TAR-**
5 **GETED ASSISTANCE SCHOOLS.**

6 Section 1115(c) (20 U.S.C. 6315(c)) is amended to
7 read as follows:

8 “(c) COMPONENTS OF A TARGETED ASSISTANCE
9 SCHOOL PROGRAM.—To assist targeted assistance schools
10 and local educational agencies to meet their responsibility
11 to provide for all their students served under this part the
12 opportunity to meet the State’s challenging student aca-
13 demic achievement standards in subjects as determined by
14 the State, each targeted assistance program under this
15 section shall—

16 “(1) ensure that planning for students served
17 under this part is incorporated into existing school
18 planning;

19 “(2) use effective methods and instructional
20 strategies that are based on scientifically based re-
21 search that strengthens the core academic program
22 of the school and that—

23 “(A) give primary consideration to pro-
24 viding extended learning time, such as an ex-

1 tended school year, before- and after-school,
2 and summer programs and opportunities;

3 “(B) help provide an accelerated, high-
4 quality curriculum, including applied learning;
5 and

6 “(C) minimize removing children from the
7 regular classroom during regular school hours
8 for instruction provided under this part;

9 “(3) coordinate with and support the regular
10 education program, which may include services to
11 assist preschool children in the transition from early
12 childhood programs such as Head Start, Even Start,
13 Early Reading First or State-run preschool pro-
14 grams to elementary school programs;

15 “(4) provide instruction by highly qualified
16 teachers;

17 “(5) in accordance with subsection (e)(3) and
18 section 1119, provide opportunities for professional
19 development with resources provided under this part,
20 and, to the extent practicable, from other sources,
21 for teachers, principals, and paraprofessionals, in-
22 cluding, if appropriate, pupil services personnel, par-
23 ents, and other staff, who work with participating
24 children in programs under this section or in the
25 regular education program;

1 “(6) provide strategies to increase parental in-
2 volvement in accordance with section 1118, such as
3 family literacy services; and

4 “(7) coordinate and integrate Federal, State,
5 and local services and programs, including programs
6 supported under this Act, violence prevention pro-
7 grams, nutrition programs, housing programs, Head
8 Start, adult education, vocational and technical edu-
9 cation, and job training.”.

10 **SEC. 8. ELIMINATION OF ACADEMIC ASSESSMENT AND**
11 **LOCAL EDUCATIONAL AGENCY AND SCHOOL**
12 **IMPROVEMENT.**

13 Section 1116 (20 U.S.C. 6316) is repealed.

14 **SEC. 9. ELIMINATION OF SCHOOL SUPPORT AND RECOGNI-**
15 **TION.**

16 Section 1117 (20 U.S.C. 6317) is repealed.

17 **SEC. 10. CONFORMING AMENDMENTS.**

18 (a) STATE PLANS.—Section 1111 (20 U.S.C. 6311)
19 is amended—

20 (1) in subsection (c)—

21 (A) in paragraph (3) by striking “the re-
22 sponsibilities of the State under sections 1116
23 and 1117, including carrying out”;

24 (B) in paragraph (4) by striking “, tech-
25 nical assistance under section 1117,”; and

1 (C) in paragraph (6) by striking “, and
2 will fulfill the State educational agency’s re-
3 sponsibilities regarding local educational agency
4 improvement and school improvement under
5 section 1116, including such corrective actions
6 as are necessary;”; and

7 (2) in subsection (h)—

8 (A) in paragraph (1)—

9 (i) in subparagraph (C)—

10 (I) by striking clauses (i), (ii),

11 (iii), (iv), (vi), and (vii); and

12 (II) by redesignating clauses (v)

13 and (viii) as clauses (i) and (ii), re-
14 spectively; and

15 (ii) in subparagraph (D)(vii) by strik-

16 ing “, consistent with subsection (b)(2),”; and

17 (B) in paragraph (2)(B) by amending

18 clause (i) to read as follows:

19 “(i) in the case of a local educational

20 agency information that shows how stu-

21 dents served by the local educational agen-

22 cy achieved on the statewide academic as-

23 sessment compared to students in the

24 State as a whole; and”; and

25 (C) in paragraph (4)—

1 (i) by striking subparagraphs (A),
2 (B), (C), and (E); and
3 (ii) by redesignating subparagraphs
4 (D), (F), and (G) as subparagraphs (A),
5 (B), and (C), respectively.

6 (b) ELIGIBLE SCHOOL ATTENDANCE AREAS.—Sec-
7 tion 1113(c) (20 U.S.C. 6313(c)) is amended by striking
8 paragraph (4).

9 (c) PARENTAL INVOLVEMENT.—Section
10 1118(a)(2)(A) (20 U.S.C. 1118(a)(2)(A)) is amended by
11 striking “, and the process of school review and improve-
12 ment under section 1116”.

13 (d) QUALIFICATIONS FOR TEACHERS AND PARA-
14 PROFESSIONALS.—Section 1119(k) (20 U.S.C. 6319(k))
15 is amended by striking “, except that this paragraph shall
16 not apply with respect to requirements under section
17 1116(c)(3)”.

18 (e) FORMULA GRANTS TO STATE EDUCATIONAL
19 AGENCIES.—Section 1202 (20 U.S.C. 6362) is amend-
20 ed—

21 (1) in subsection (c)—

22 (A) by amending paragraph (6) to read as
23 follows:

24 “(6) LIMITATION TO CERTAIN SCHOOLS.—In
25 distributing subgrant funds under this subsection,

1 an eligible local educational agency shall provide
 2 funds only to schools that both are among the
 3 schools served by that eligible local educational agen-
 4 cy with the highest percentages or numbers of stu-
 5 dents in kindergarten through grade 3 reading below
 6 grade level, based on the most currently available
 7 data and have the highest percentages or numbers
 8 of children counted under section 1124(c).”.

9 (B) in paragraph (7)(A)—

10 (i) by striking clause (vi); and

11 (ii) by redesignating clause (vii) as
 12 clause (vi);

13 (2) in subsection (d)(5)(C)(ii)(IV) by striking “,
 14 significantly increased the percentages of students
 15 described in section 1111(b)(2)(C)(v)(II) who are
 16 reading at grade level or above,”; and

17 (3) in subsection (e)(1)(B) by striking “, sig-
 18 nificantly increased the percentages of students de-
 19 scribed in section 1111(b)(2)(C)(v)(II) who are read-
 20 ing at grade level or above,”.

21 (f) TARGETED ASSISTANCE GRANTS.—Section
 22 1204(a) (20 U.S.C. 6364(a)) is amended to read as fol-
 23 lows:

24 “(a) ELIGIBILITY CRITERIA FOR AWARDING TAR-
 25 GETED ASSISTANCE GRANTS TO STATES.—Beginning

1 with fiscal year 2004, from funds appropriated under sec-
 2 tion 1202(b)(1)(E), the Secretary shall make grants, on
 3 a competitive basis, to those State educational agencies
 4 that, for each of 2 consecutive years, demonstrate that
 5 schools receiving funds under section 1202 are improving
 6 the reading skills of students in grades 1, 2, and 3 based
 7 on screening, diagnostic, and classroom-based instruc-
 8 tional reading assessments.”.

9 (g) DEFINITIONS.—Section 1208(1)(B) (20 U.S.C.
 10 6368(1)(B)) is amended—

11 (1) by striking clause (ii);

12 (2) by inserting “or” at the end of clause (i);

13 and

14 (3) by redesignating clause (iii) as clause (ii).

15 (h) COORDINATION OF MIGRANT EDUCATION ACTIVI-
 16 TIES.—Section 1308(b)(2)(A)(ii) is amended by striking
 17 “, credit accrual, and results from State assessments re-
 18 quired under section 1111(b)” and inserting “, and credit
 19 accrual”.

20 (i) EVALUATIONS.—Section 1501 (20 U.S.C. 6491)
 21 is amended—

22 (1) in subsection (a)(2)—

23 (A) by striking subparagraphs (I) and (N);

24 and

1 (B) by redesignating subparagraphs (J),
2 (K), (L), (M), and (O) as subparagraphs (I),
3 (J), (K), (L), and (M), respectively; and
4 (2) in subsection (c)(2)—
5 (A) by striking subparagraph (E); and
6 (B) by redesignating subparagraph (F) as
7 subparagraph (E).

8 (j) STATE USE OF FUNDS.—Section 1604(c) (20
9 U.S.C. 6514(c)) is amended to read as follows:

10 “(c) PRIORITY.—A State educational agency, in
11 awarding subgrants under this part, shall give priority to
12 local educational agencies or consortia that demonstrate
13 a commitment to assist schools with budget allocation,
14 professional development, and other strategies necessary
15 to ensure the comprehensive school reforms are properly
16 implemented and are sustained in the future.”.

17 (k) LOCAL APPLICATIONS AND NEEDS ASSESS-
18 MENT.—Section 2122(b)(3) (20 U.S.C. 6622(b)(3)) is
19 amended—

20 (1) by striking subparagraph (C);
21 (2) by inserting “or” at the end of subpara-
22 graph (A); and
23 (3) in subparagraph (B), by striking “; or” and
24 inserting a period.

1 (l) DEFINITIONS.—Section 2131 (20 U.S.C. 6631) is
2 amended to read as follows:

3 **“SEC. 2131. DEFINITION.**

4 “In this subpart, the term ‘eligible partnership’
5 means an entity that—

6 “(1) shall include—

7 “(A) a private or State institution of high-
8 er education and the division of the institution
9 that prepares teachers and principals;

10 “(B) a school of arts and sciences; and

11 “(C) a high-need local educational agency;

12 and

13 “(2) may include another local educational
14 agency, a public charter school, an elementary school
15 or secondary school, an educational service agency,
16 a nonprofit educational organization, another insti-
17 tution of higher education, a school of arts and
18 sciences within such an institution, the division of
19 such an institution that prepares teachers and prin-
20 cipals, a nonprofit cultural organization, an entity
21 carrying out a prekindergarten program, a teacher
22 organization, a principal organization, or a busi-
23 ness.”.

24 (m) TECHNICAL ASSISTANCE AND ACCOUNT-
25 ABILITY.—Section 2141(c) (20 U.S.C. 6641(c)) is amend-

1 ed by striking “, and has failed to make adequate yearly
2 progress as described under section 1111(b)(2)(B),”.

3 (n) DEFINITIONS.—Section 2403(3)(B) (20 U.S.C.
4 6753(3)(B)) is amended to read as follows:

5 “(B) has a substantial need for assistance
6 in acquiring and using technology.”.

7 (o) LOCAL APPLICATIONS.—Section 2414(b)(3)(A)
8 (20 U.S.C. 6764(b)(3)(A)) is amended by striking “, or
9 schools identified under section 1116,”.

10 (p) PURPOSES.—Section 3102(8) (20 U.S.C.
11 6812(8)) is amended to read as follows:

12 “(8) to hold State educational agencies, local
13 educational agencies, and schools accountable for in-
14 creases in English proficiency and core academic
15 content knowledge of limited English proficient chil-
16 dren by requiring demonstrated improvements in the
17 English proficiency of limited English proficient chil-
18 dren each fiscal year; and”.

19 (q) FORMULA GRANTS TO STATES.—Section
20 3111(c)(4)(B)(ii)(II) (20 U.S.C. 6821(c)(4)(B)(ii)(II)) is
21 amended by striking “section 1111(b)(7)” and inserting
22 “section 1111(b)(4)”.

23 (r) STATE AND SPECIALLY QUALIFIED AGENCY
24 PLANS.—Section 3113(b) (20 U.S.C. 6823(b)) is amend-
25 ed—

1 (1) in paragraphs (3)(C) and (3)(D) by striking
2 “section 1111(b)(7)” and inserting “section
3 1111(b)(4)”;

4 (2) in paragraph (5)—

5 (A) by striking subparagraph (B);

6 (B) by inserting “and” at the end of sub-
7 paragraph (A); and

8 (C) by redesignating subparagraph (C) as
9 subparagraph (B).

10 (s) LOCAL PLANS.—Section 3116(b)(3) (20 U.S.C.
11 6826(b)(3)) is amended—

12 (1) by striking subparagraph (B);

13 (2) by inserting “and” at the end of subpara-
14 graph (A); and

15 (3) by redesignating subparagraph (C) as sub-
16 paragraph (B).

17 (t) EVALUATIONS.—Section 3121 (20 U.S.C. 6841)
18 is amended—

19 (1) in subsection (c)(1)—

20 (A) by striking subparagraph (D); and

21 (B) by inserting “and” at the end of sub-
22 paragraph (B); and

23 (2) in subsection (d)—

24 (A) by striking paragraph (2);

1 (B) by inserting “and” at the end of para-
2 graph (1); and

3 (C) by redesignating paragraph (3) as
4 paragraph (2).

5 (u) ACHIEVEMENT OBJECTIVES AND ACCOUNT-
6 ABILITY.—Section 3122(a)(3) (20 U.S.C. 6842(a)(3)) is
7 amended to read as follows:

8 “(3) CONTENTS.—Such annual measurable
9 achievement objectives shall include—

10 “(A) at a minimum, annual increases in
11 the number or percentage of children making
12 progress in learning English; and

13 “(B) at a minimum, annual increases in
14 the number or percentage of children attaining
15 English proficiency by the end of each school
16 year, as determined by a valid and reliable as-
17 sessment of English proficiency consistent with
18 section 1111(b)(4).”.

19 (v) LOCAL COMPETITIVE GRANT PROGRAM.—Section
20 4204(i)(1) (20 U.S.C. 7174(i)(1)) is amended to read as
21 follows:

22 “(1) PRIORITY.—In awarding grants under this
23 part, a State educational agency shall give priority
24 to applications submitted jointly by eligible entities
25 consisting of not less than 1—

1 “(A) local educational agency receiving
2 funds under part A of title I; and

3 “(B) community-based organization or
4 other public or private entity.”.

5 (w) LOCAL USES OF FUNDS.—Section 5131(a) (20
6 U.S.C. 7215(a)) is amended—

7 (1) by striking paragraphs (9) and (27); and

8 (2) by redesignating paragraphs (10), (11),
9 (12), (13), (14), (15), (16), (17), (18), (19), (20),
10 (21), (22), (23), (24), (25) and (26) as paragraphs
11 (9), (10), (11), (12), (13), (14), (15), (16), (17),
12 (18), (19), (20), (21), (22), (23), (24), and (25), re-
13 spectively.

14 (x) LOCAL APPLICATIONS.—Section 5133(b)(9) (20
15 U.S.C. 7215b(b)(9)) is amended by striking “section
16 5131(a)(23)” and inserting “section 5131(a)(22)”.

17 (y) EVALUATIONS.—Section 5246(b)(3) (20 U.S.C.
18 7225e(b)(3)) is amended by striking “, particularly stu-
19 dents who move from schools identified under section 1116
20 to schools not so identified,”.

21 (z) GRANTS FOR STATE ASSESSMENTS AND RE-
22 LATED ACTIVITIES.—Section 6111(2)(B) (20 U.S.C.
23 7301(2)(B)) is amended by striking “section 1111(b)(7)”
24 and inserting “section 1111(b)(4)”.

1 (aa) GRANTS FOR ENHANCED ASSESSMENT INSTRU-
 2 MENTS.—Section 6112(a)(1) (20 U.S.C. 7301a(a)(1)) is
 3 amended by striking “beyond the requirements for such
 4 assessments described in section 1111(b)(3)”.

5 (bb) FUNDING.—Section 6113(b)(1) (20 U.S.C.
 6 7301b(b)(1)) is amended by striking “that are equal to
 7 or less than the amount described in section
 8 1111(b)(3)(D)”.

9 (cc) TRANSFERABILITY OF FUNDS.—Section
 10 6123(b)(1) (20 U.S.C. 7305b(b)(1)) is amended—

11 (1) in subparagraph (A), by striking “(except a
 12 local educational agency identified for improvement
 13 under section 1116(c) or subject to corrective action
 14 under section 1116(c)(9))”;

15 (2) by striking subparagraph (B); and

16 (3) by redesignating subparagraph (C) as sub-
 17 paragraph (B).

18 (dd) STATE FLEXIBILITY.—Section 6141(c)(1)(A)
 19 (20 U.S.C. 7315(c)(1)(A)) is amended to read as follows:

20 “(A) information demonstrating, to the
 21 satisfaction of the Secretary, that the grant of
 22 authority offers substantial promise of aligning
 23 State and local reforms and assisting the local
 24 educational agencies that enter into perform-
 25 ance agreements with the State educational

1 agency under paragraph (2) in making such
2 adequate yearly progress;”.

3 (ee) ACCOUNTABILITY FOR ADEQUATE YEARLY
4 PROGRESS.—Section 6161 (20 U.S.C. 7325) is amended
5 to read as follows:

6 **“SEC. 6161. ACCOUNTABILITY FOR ADEQUATE YEARLY**
7 **PROGRESS.**

8 “In the case of a State educational agency that has
9 a plan approved under subpart 1 of part A of title I after
10 the date of enactment of the No Child Left Behind Act
11 of 2001, and has a plan approved under subpart 1 of part
12 A of title III of such Act after such date of enactment,
13 the Secretary shall annually, starting with the beginning
14 of the first school year following the first two school years
15 for which such plans were implemented, review whether
16 the State has met its annual measurable achievement ob-
17 jectives under section 3122(a).”.

18 (ff) PEER REVIEW.—Section 6162 (20 U.S.C.
19 7325a) is amended by striking “on data from the State
20 assessments administered under section 1111(b)(3) and”.

21 (gg) TECHNICAL ASSISTANCE.—Section 6163 (20
22 U.S.C. 7325b) is amended to read as follows:

23 “(a) PROVISION OF ASSISTANCE.—Based on the re-
24 views described in section 6161, the Secretary may provide
25 technical assistance to a State that has failed to meet its

1 annual measurable achievement objectives under section
 2 3122(a) for 2 consecutive years. The Secretary shall pro-
 3 vide such assistance not later than the beginning of the
 4 first school year that begins after such determination is
 5 made.

6 “(b) CHARACTERISTICS.—The technical assistance
 7 described in subsection (a) shall be valid, reliable and rig-
 8 orous and meet the annual measurable achievement objec-
 9 tives under section 3122(a).”.

10 (hh) REPORT TO CONGRESS.—Section 6164 (20
 11 U.S.C. 7325c) is amended—

12 (1) by striking paragraph (1);

13 (2) in paragraph (2), by striking “section
 14 6161(2)” and inserting “section 6161”; and

15 (3) by redesignating paragraphs (2), (3), and
 16 (4) as paragraphs (1), (2), and (3), respectively.

17 (ii) ACCOUNTABILITY.—Section 6213 (20 U.S.C.
 18 7345b) is repealed.

19 (jj) ACCOUNTABILITY.—Section 6224 (20 U.S.C.
 20 7351c) is amended by striking subsections (d) and (e).

21 (kk) DEFINITIONS.—Section 9101(25)(D) (20
 22 U.S.C. 7801(25)(D)) is amended—

23 (1) by striking clause (i); and

24 (2) by redesignating clauses (ii) and (iii) as
 25 clauses (i) and (ii), respectively.

1 (ll) CIVIL RIGHTS.—Section 9534(b) (20 U.S.C.
2 7914(b)) is amended by striking “section 1116 of title I
3 and part B of title V, at the commencement of the entity’s
4 participation in a grant under section 1116 of title I or”
5 and inserting “part B of title V, at the commencement
6 of the entity’s participation in a grant under”.

7 **SEC. 11. TABLE OF CONTENTS AMENDMENTS.**

8 The item relating to sections 1003, 1116, 1117, and
9 6213 in the table of contents are repealed.

10 **SEC. 12. EFFECTIVE DATE.**

11 This Act, and the amendments made by this Act,
12 shall take effect August 1, 2010.

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